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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,120	08/25/2003	L. Taylor Arnold	ARNOLD-5	8894

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EXAMINER

MILLER, BENA B

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 01/12/2005


Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,120

Applicant(s)

ARNOLD, L. TAYLOR 

Examiner

Bena Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-15 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

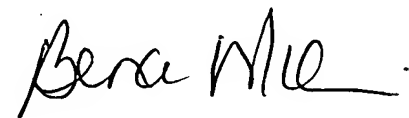
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.



DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-11 are finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, there is lack of antecedent basis for the limitation "said first model vehicle" recited in line 5.

Regarding claim 10, it is not clear whether the "first of said model vehicles" recited in line 2 of the claim the same as the "first of said model vehicles" in line 3 of claim 8.

Regarding claim 11, there is lack of proper antecedent basis for the limitation "said step of coupling a remainder of said plurality of model vehicles".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7-15 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Rasmussen et al.

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Regarding claim 1, Rasmussen et al teaches a remotely controlled toy vehicle system comprising a remote control signal transmitter (22), a master model vehicle containing a remote control signal receiver (30; col. 2, par. 1), at least one slave model vehicle (50; fig.3) physically connected to the master model by at least one linkage element and is propelled by the master model along at least one second pathway that is separate and distinct from the first pathway of the master model vehicle (70; fig. 3).

Regarding claim 2, Rasmussen further teaches the at least one slave model vehicle oriented in a formation with the master model, wherein both move in different pathways while remaining in the formation (col. 3, par. 1; fig. 1).

Regarding claims 3, Rasmussen further teaches the formation is selectively adjustable by the remote control transmitter (It should be noted that the selective speed (slow or fast) controlled by 22 will change linkage formation between the master and slave vehicle; fig. 1).

Regarding claims 4 and 13, Rasmussen further teaches the at least one linkage element extends from the master vehicle at a predetermined angle (fig.3).

Regarding claims 7 and 15, Rasmussen further teaches the master vehicle, the at least one slave vehicle, the remotely controlled vehicle and the at least one secondary vehicle is a car. Further, Rasmussen teaches the remotely controlled vehicle and the at least one secondary vehicle having generally the same shape and appearance (fig. 1 and 3).

Regarding claim 8, Rasmussen teaches a method of moving a plurality of model vehicles in formation comprising the steps of providing a motor and a control system in

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a first of said model vehicle (30), physically coupling a remainder of said plurality of model vehicles to the first model vehicle, wherein the remainder of the plurality of model vehicles are moved in a formation by the first of said model vehicles along at least one pathway that is separate and adjacent to the first pathway of the first model vehicle (fig.3).

Regarding claim 9, Rasmussen further teaches the step of selectively adjusting the formation (It should be noted that the selective speed (slow or fast) controlled by 22 will change the formation between the vehicles; fig. 1).

Regarding claim 10, Rasmussen further teaches the step of providing a remotely controlled model vehicle (col. 2, par. 1).

Regarding claim 12, Rasmussen teaches an assembly comprising a remotely controlled vehicle (30; col. 2, par.1), that moves along a first pathway directed by remote control signals (22), at least one secondary vehicle physically connected to the remotely controlled vehicle that is moved in formation by the remotely controlled vehicle along at least one secondary pathway that is separate and adjacent the first pathway the remotely controlled vehicle (50; fig.3).

Regarding claim 14, Rasmussen further teaches the predetermined angle can be selectively adjusted by remote control (It should be noted that the selective speed (slow or fast) controlled by 22 will change the formation between the vehicles; fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen et al.

Rasmussen et al teaches in the figures most of the elements of the claimed invention. Rasmussen fails to teach specifically multiple slave model vehicles interconnected to each other by secondary linkage elements that are not coupled to the master model vehicle. However, Rasmussen suggest in col. 3, par. 2 that additional towed drone cars can be added to the first drone wherein the first drone car is connected to lead car 30. It would have been obvious to one having ordinary skill in the art at the time the invention was made to interconnect some slave vehicles by secondary linkage elements, that is not couple to the master vehicle, to the master vehicle of Rasmussen for the purpose of blocking the opponent car from passing (col. 3, par. 2).

Allowable Subject Matter

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bena Miller
Examiner
Art Unit 3714

bbm
January 08, 2005